

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings, which includes FIG. 1, replaces the original sheet including FIG. 1.

Attachment: Replacement Sheet (FIG. 1)

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks is respectfully requested. Claims 1 and 3-15 are pending in this application.

Priority Document

In light of the Examiner's indication that a certified copy of the priority document has not been received by the United States Patent and Trademark Office (USPTO), Applicants will obtain and provide a certified copy of the prior document to the USPTO in due course.

Drawings

A replacement sheet of drawings including FIG. 1 labeled as "PRIOR ART" is submitted herewith and thus, Applicants respectfully request that the drawing objection to FIG. 1 be withdrawn.

Claim Objections

Claims 12-15 are objected to as including minor informalities. Claims 12-15 are amended as suggested by the Examiner on page 3 of the Official Action. Therefore, Applicants respectfully request that the objections to claims 12-15 be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 10-11 stand rejected under 35 U.S.C. § 112, second paragraph as indefinite because of insufficient antecedent basis for various features of claims 10-11. Claims 10-11 are amended to provide sufficient antecedent basis for these various features and thus, Applicants

respectfully request the rejection of claims 10-11 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections under 35 U.S.C. § 101

Claims 1-11, 14 and 15 stand rejected under 35 U.S.C. § 101 as allegedly being directed towards non-statutory subject matter. Applicants respectfully traverse this rejection as detailed below.

Claims 1-11

The Examiner asserts the following regarding claims 1-11.

The data structure of claims 1-11 contains only two potential data elements, “first playback indicator” and “navigation command field”. Out of these two, the first playback indicator can be interpreted as simply the name of the navigation command field, thus there would only be one data element on the recording medium. Therefore, there can be no physical or logical relationship among data elements.

Applicants respectfully disagree with the above assertions. In particular, Applicants respectfully note that the computer-readable medium having a data structure for managing playback control of the recording medium recited in claim 1 includes “a navigation area storing an information file including a first playback indicator, the first playback indicator identifying a navigation command for execution at first playback of the recording medium, the first playback indicator including a name for the identified navigation command field, the navigation area further storing the identified navigation command field, the identified navigation command field including at least one navigation command controlling playback of the recording medium.” As such, Applicants respectfully submit that claim 1 clearly recites a logical relationship among several elements of the data structure. For example, the first playback indicator identifies a navigation command field including at least one navigation command controlling playback of the

recording medium. Accordingly, Applicants respectfully submit that the navigation area recited in claim 1 includes more than two data elements and does establish a logical relationship among those data elements.

Therefore, Applicants respectfully submit that claim 1 is directed towards statutory subject matter and request that the rejection of claims 1-11 under 35 U.S.C. § 101 be withdrawn.

Claims 14-15

Claims 14-15 are rejected because of the recitation of the term “driver”, which the Examiner asserts is software per se and does not meet the statutory requirements to be categorized under the statutory category of manufacture. Claims 14-15 are amended to include the term “drive”, instead of the term “driver”, in order to be consistent with the specification and the figures. Because the term “driver” is no longer included in apparatus claims 14-15, Applicants respectfully submit that the rejection to claims 14-15 under 35 U.S.C. § 101 has been rendered moot.

Therefore, Applicants respectfully request that the rejection of claims 14-15 under 35 U.S.C. § 101 also be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by Ijichi et al. (U.S. Patent Publication No. 2002/0093886, herein Ijichi). Applicants respectfully traverse this art grounds of rejection.

In particular, on page 6 of the Official Action, the Examiner cites FIGS. 5-6 and paragraphs 0116, 0160 and 0174 of Ijichi as disclosing the features of independent claim 1. In

the footnotes on page 6 of the Official Action, the Examiner supplements this rejection with the following.

¹The memory stick directory structure is interpreted as the navigation area. The table of contents (TOC) is interpreted as the information file and it includes information such as access positions, song names, numbers, etc., all of which could individually be interpreted as a first playback indicator. See also figure 6, which shows a TOC where TRK1 can be interpreted as a first playback indicator which identifies a navigation command field.

²“PTK1” is interpreted as the navigation command field and it includes a navigation command to play track 1 as shown by the arrow.

In response to the above art rejection assertions, Applicants initially note that Ijichi is directed to a reproduction method and reproduction device allowing a user to create one or more playlists as shown in FIG. 7 to control the order in which music tracks are played back from a memory stick 1. For example, a user may use the device 2, in which the memory stick 1 is inserted, to select the order in which music tracks are played by selecting a created playlist. Figure 6 indicates that if no play list is created and/or selected the tracks from the memory stick 1 may be played back based on the table of contents TOC. The table of contents TOC may include “access positions, song names, numbers” as indicated in paragraph 117 of Ijichi.

However, contrary to the Examiner’s assertions, none of the “access positions, song names, numbers” stored in the table of contents TOC can be interpreted as the first playback indicator because the “access positions, song names, numbers” merely identify a music track. A music track cannot be a command field because a music track does not include a command. Instead, a music track merely includes data. Therefore none of the “access positions, names, number” identify a navigation command field including at least one command. Based on similar reasoning, “PTK1” cannot be interpreted as a navigation command field because PTK1 is merely a pointer pointing to a track TRK1. A pointer does not include at least one navigation command controlling playback of the recording medium. Instead, a pointer merely identifies a location of

the track. In fact, Ijichi is completely silent regarding any commands used to playback the music tracks because these commands are all apparently provided by the device 2 and thus, are not stored in the memory stick 1.

Therefore, Applicants respectfully submit that Ijichi at least fails to disclose, teach or suggest a “first playback indicator identifying a navigation command field for execution at first playback of the recording medium, the navigation area further storing the identified navigation command field, the first playback indicator including a name for the identified navigation command field, the identified navigation command field including at least one navigation command and controlling playback of the recording medium,” as recited in amended independent claim 1.

Therefore, Applicants respectfully request that the rejection of amended independent claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Further, Applicants respectfully note that claims 2-11 depend from claim 1 and independent claims 12-15 include features somewhat similar to amended independent claim 1. Therefore, claims 2-15 are believed to be allowable for at least the same reasons as discussed above with respect to amended claim 1.

Therefore, Applicants respectfully request that the rejection of claims 2-15 under 35 U.S.C. § 102(b) also be withdrawn.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

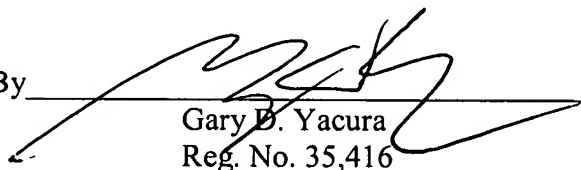
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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